

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JOHN LAFACE,

Plaintiff,

Docket No.: 18-CV-01314  
(ADS)(AKT)

-against-

**DECLARATION**

EASTERN SUFFOLK BOCES; BOARD OF TRUSTEES, EASTERN SUFFOLK BOCES; DR. JULIE DAVIS LUTZ, in her official capacity as COO, EASTERN SUFFOLK BOCES, and individually; DR. R. TERRY McSWEENEY, in her official capacity as Assistant Superintendent for Human Resources, EASTERN SUFFOLK BOCES, and individually; JILL DIAMOND, in her official capacity as School Personnel Officer, EASTERN SUFFOLK BOCES, and individually; KEITH ANDERSON, in his official capacity as Supervisor, EASTERN SUFFOLK BOCES, and individually; THOMAS BILKA, in his official capacity as Supervisor, EASTERN SUFFOLK BOCES, and individually,

Defendants.  
-----X

ADAM I. KLEINBERG, an attorney duly admitted to practice law in the State of New York and within this judicial district, declares that the following statements are true and correct under the penalty of perjury:

1. I am a partner in the law firm SOKOLOFF STERN LLP, counsel for Defendants in this action. I submit this declaration in support of Defendants' motion for sanctions and attorneys' fees under Fed. R. Civ. P. 11(c), 28 U.S.C. § 1927, 42 U.S.C. § 1988, and the Court's inherent authority.

2. The following exhibits are relevant to Defendants' motion and are complete and accurate copies of what they purport to be.

3. Attached as Exhibit A is a copy of Plaintiff's amended complaint, filed on December 15, 2018.

4. Attached as Exhibit B is a copy of a December 19, 2018 email from me to Plaintiff's counsel, Harriet Gilliam, enclosing Defendants' notice of motion for sanctions and a "Safe Harbor" letter establishing the grounds for this motion.

5. Attached as Exhibit C is an October 28, 2016 email from Brandon Nasierowski to Jill Diamond enclosing a doctor's note from Dr. Christine Doucet, bearing document numbers D00569-70.

6. Attached as Exhibit D is an October 17, 2016 email from Ryan Ruf to Julie Lutz, bearing document number D002208.

7. Attached as Exhibit E is a copy of *Defendants' Response to Plaintiff's First Set of Interrogatories and Requests for the Production of Documents*, dated November 16, 2018.

WHEREFORE, Defendants respectfully request that the Court issue sanctions against Plaintiff and his counsel and in favor of Defendants, together with costs, expenses, and attorneys' fees, and such other and further relief as this Court deems just, equitable, and proper.

Dated: Carle Place, New York  
January 10, 2019

SOKOLOFF STERN LLP

  
ADAM I. KLEINBERG